

**IN THE UNITED STATE DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

**UNITED STATES OF AMERICA,**

**V.**

**CRIMINAL ACTION NO. 2:21-cr-00062-1**

**LARRY ALLEN CLAY, JR.,**

**DEFENDANT.**

**MOTION TO CONTINUE SENTENCING HEARING AND  
DEADLINE TO SUBMIT SUPPLEMENTAL SENTENCING MEMORANDUM**

Now comes Defendant, Larry Allen Clay, Jr., by his undersigned counsel, Timothy J. Lafon, and moves this Court for an Order continuing the Sentencing Hearing set for October 28, 2024 at 1:30 p.m. and the deadline of October 21, 2024 to submit Supplemental Sentencing Memorandum. In support of this motion, Defendant states as follows:

1. Defendant is incarcerated in the Carter County Correctional Facility.
2. As the Court is aware, Defense counsel in this matter had serious surgery sometime ago and has suffered a recent additional hospital stay last week.
3. As a result thereof, additional time is necessary to file any supplemental Sentencing Memorandum.
4. In addition, the Defendant anticipates filing a Motion to Reopen the Post-Trial Motions/Motion for New Trial deadlines applicable to what the Defendant believes is an unwaivable conflict of interest.
5. Defense counsel states that additional time is necessary due to his health situation.

6. No party will be prejudiced by this continuance as the Defendant is incarcerated at the present time.

Therefore, the Defendant moves this Honorable Court for an extension of approximately thirty (30) to forty-five (45) days and for such other relief as the Court deems just.

**LARRY ALLEN CLAY, JR.**

**By Counsel,**

**CICCARELLO, DEL GIUDICE & LAFON**

By: /s/ Timothy J. LaFon  
Timothy J. LaFon (WV #2123)  
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Counsel for Defendant

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**CERTIFICATE OF SERVICE**

I, Timothy J. LaFon, do hereby certify that the foregoing **“MOTION TO CONTINUE SENTENCING HEARING AND DEADLINE TO SUBMIT SUPPLEMENTAL SENTENCING MEMORANDUM”** has been served upon all parties via the Court’s electronic filing system on the 15<sup>th</sup> day of October, 2024

Jennifer Rada Herrald, Assistant U.S. Attorney  
U.S. Attorney’s Office  
300 Virginia Street, East, Room 400  
Charleston, West Virginia 25301

**CICCARELLO, DEL GIUDICE & LAFON**

By: /s/ Timothy J. LaFon  
Timothy J. LaFon (WV #2123)  
Counsel for Defendant